North Central Regional Transit District (NCRTD)
Resolution 2011–12

REVISED DRUG AND ALCOHOL TESTING POLICY

WHEREAS, the North Central Regional Transit District ("District") is concerned about the effects of the use of illegal drugs, controlled substances, and the abuse of alcohol upon the health and safety of its employees and passengers; and,

WHEREAS, to address these concerns, it is our policy to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; and,

WHEREAS, to create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; and,

WHEREAS, to encourage employees to seek professional assistance anytime personal problems, including alcohol or dependency, adversely affect their ability to perform assigned duties; and,

WHEREAS, the Board of Directors adopted an revised policy on May 23, 2008; and,

WHEREAS, this policy is intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry.

NOW, THEREFORE, BE IT RESOLVED that the North Central Regional Transit District Board of Directors hereby desires to adopt a revised policy as set forth in the attached Exhibit A.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 4TH DAY OF NOVEMBER 2011.

Rosemary Romero, Chair

Approved as to form:

Peter Dwyer, Counsel

North Central Regional Transit District
FTA Drug and Alcohol Testing Policy
(Zero Tolerance)
Adopted by Board Resolution No. 2011-12
Revised on November 4 2011

I. Introduction

The North Central Regional Transit District is dedicated to providing friendly, safe, dependable and economical transportation services to our transit system passengers. The North Central Regional Transit District is concerned about the effects of the use of illegal drugs, controlled substances and abuse of alcohol upon the health and safety of its employees and passengers. To address these concerns, it is our policy (1) to ensure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) to create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) to prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform assigned duties.

II. Purpose

The purpose of this policy is to assure worker's fitness for duty and to protect employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transit industry. The Federal Transit Administration (FTA) of the U.S. Department of Transportation (DOT) has enacted 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result or a refusal to test. The U.S. DOT has enacted CFR 49 Part 40, as amended, that sets standards for the collection, testing and reporting of urine and breath specimens. Part 40 also mandates specific protocols used by the Medical Review Officer (MRO), Substance Abuse Professional (SAP), Collector, Breath Alcohol Technician (BAT) and Third Party Administrator/Consortium (TPA). The sections of this policy that reflect Parts 655 and 40 will be indicated by the use of **Bold Typeface**. In addition, the Federal Government has enacted 49 CFR part 29, "The Drug-Free Workplace Act" policies and the reporting of certain drug-related offenses to the FTA. These sections will appear in the policy in Italic Typeface. This policy also incorporates company (agency) requirements under the authority of the North Central Regional Transit District's policy on the use of alcohol and drugs in the workplace. Anything appearing in the policy in regular typeface will be under The North Central Regional Transit District's own authority. **This policy will be kept current with all the latest federal regulations and interpretations as mandated.**

III. Applicability

This Policy applies to all North Central Regional Transit employees; paid part-time employees; Contract employees and contractors when performing any NCRTD safety-sensitive duties or when they are on NCRTD property. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on transit premises and will not be permitted to conduct transit business if found to be in violation of this policy.

All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics. All other provisions are set forth under the authority of the transit system.

A safety-sensitive function is defined as any duty related to the safe operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), controlling the dispatch or movement and maintenance of revenue vehicle or equipment used in revenue service (maintenance functions include the repair, overhaul and rebuild of engines, vehicles and/or equipment used in revenue service), security personnel who carry firearms, and any other employee or volunteer who perform duties requiring a CDL and/or performs a safety sensitive function and receives remuneration in excess of their actual expenses. Supervisors performing any of the above described functions are considered to be safety-sensitive employees.

Participation in the Substance Abuse Program as stated in this policy is a condition of employment. The North Central Regional Transit District has a "Zero Tolerance Policy" which means that any safety sensitive employee who violates this policy by having a confirmed positive drug or alcohol test result or refuses to be tested when required, will be terminated.

All positions were reviewed for safety-sensitive duties to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety sensitive duties. A full listing of such employee positions is located on Attachment B of this policy.

The FTA anti-drug rule preempts any state or local law, rule, regulation, or order to the extent that: (a) compliance with both the state or local requirement and any requirement in this part is not possible, or (b) compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement in this part.

IV. Prohibited Substances

Prohibited substances addressed by this policy include the following:

A. Illegally Used Controlled Substance or Drugs

Any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drugs not approved for medical use by the U. S. Drug Enforcement Administration or the US Food and Drug Administration. Illegal use includes use of any illegal drug, misuse or legally prescribed drugs, and use of illegally obtained prescription drugs. ***Safety sensitive employees will be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine.*** *Use of any products that may result in a positive drug test (hemp oil for example) is prohibited by the Federal Guidelines.*

B. Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label or that indicates that mental functioning, motor skills, or judgment may be adversely affected should be reported to supervisory personnel. The employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform safety-sensitive functions. When possible, alternative

substances should be requested from the prescribing physician. It is the employee's responsibility to inform the physician the nature of employee's job duties.

Any failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization. The misuse or abuse of legal drugs while performing transit business is prohibited.

C. Alcohol

The use of beverages containing alcohol or other products containing alcohol including, medication, mouthwash, food, candy, or any other substance, which causes alcohol to be present in the body at a rate of 0.02% alcohol concentration or greater, while performing safety sensitive duties or while on-call to perform a safety sensitive duty, is prohibited

V. Prohibited Conduct

A. Manufacture, Trafficking, Ingestion, and Use

Any employee engaging in the manufacture, distribution, dispensing, possession or use of prohibited substances on North Central Regional Transit District premises, in public transit vehicles, in uniform or while on business related to a public transportation system operated under a contract with the North Central Regional Transit District will be subject to disciplinary action up to and including termination. Ingestion of stated drugs is prohibited at all times. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

Notification of Criminal Drug Conviction

All employees are required to notify the transit system of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action, up to and including termination. Any safety sensitive employee must also report any circumstances where there was a criminal conviction or loss of driving privileges due to drug or alcohol misuse within 5 days of such conviction or loss of privileges.

B. Intoxication/Under the Influence

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty. In addition to being removed from duty, such employees will receive educational and rehabilitative information and

a referral to a Substance Abuse Professional (SAP) and terminated from his/her position consistent with the North Central Regional Transit District's Zero Tolerance Policy.

A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended (see Section VI of this policy for threshold definitions).

C. Alcohol Use and Prohibition

No safety-sensitive employee should report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her alcohol concentration is 0.02 or greater. Part 655 permits alcohol testing just before, during and just following the performance of a safety sensitive duty, the North Central Regional Transit District under its own authority also prohibits the consumption of alcohol at all times the employee is on duty. No safety-sensitive employee shall use alcohol while performing safety-sensitive functions, or 4 hours before, just after performing a safety-sensitive function or while on call. No safety-sensitive employee shall use alcohol for 8 hours after a reportable accident or until the employee has undergone a required post accident alcohol test, which ever is first.

If the North Central Regional Transit District has actual knowledge of the use of alcohol while the employee is performing safety-sensitive functions, the employee will not be permitted to continue to perform the safety sensitive duty.

D. Compliance with Testing Requirements

All safety-sensitive employees will be subject to urine drug test and breath alcohol testing a condition of their employment. Refusal of a drug and/or alcohol test will be treated as a verified positive test result.

Refusals:

Refusals can include a variety of behaviors, including:

- verbal or written refusal
- physical absence
- an inability to provide a urine specimen or breath sample without a valid medical explanation
- failure to undergo a medical evaluation or an observed collection when required
- obstructive behavior
- failure to provide a urine sample
- not reporting to the collection site in the time allotted (except in the case of pre-employment)

All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics. All other provisions are set forth under the authority of the transit system.

- not remaining at the collection site until the completion of the process ~ failure to sign step 2 of the alcohol test form
- failure to permit monitoring or direct observation when appropriate
- leaving the scene of an accident prior to submitting to a post-accident test when required
- failure to take a second test as directed by the collector or employer
- having an adulterated or substituted test result verified by an MRO
- employee admitting to the collector or MRO that he/she adulterated or substituted their specimen
- employee behaves in a confrontational way that disrupts the collection process
- employee fails to follow the observer's instructions to raise or lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process
- The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process
- The employee refuses to wash his or her hands after being directed to do so

(A refusal to test will be treated the same as a positive test result)

Observed Samples:

The observation will be done by a person of the same gender in the following circumstances:

- **All return to duty tests (second chance policy only, does not apply to NCRTD)**
- **All follow up tests (second chance policy only, does not apply to NCRTD)**
- **Any time the specimen collected is out of temperature range (90 degree Farienheit – 100 degrees)**
- **Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with**
- **Anytime a collector observes materials brought to the collection site or employee's conduct clearly indicates an attempt to tamper with a specimen.**
- **Anytime the employee is directed to provide another specimen because the Laboratory reported to the MRO that the original specimen was invalid without a valid medical reason**
- **Anytime the employee is directed to provide another specimen because the MRO determined that the original specimen was positive, adulterated or substituted but had to be cancelled due to the test of the split specimen could not be performed.**

Drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed anytime the covered employee is performing a safety sensitive duty or just before, or just after the performance of a safety sensitive duty. Under the authority of the North Central Regional Transit District the use of or influence of alcohol on a covered employee anytime that employee is on duty is prohibited.

E. Consequences of a Positive Drug and/or Alcohol Test or a Refusal to Test

A violation of this policy in the form of a verified positive drug result, a confirmed alcohol result of 0.04 RAC or greater, or a refusal to test will result in the immediate removal of the covered employee from any safety sensitive duties, referral to a SAP and under the North Central Regional Transit District's authority, termination of employment.

All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics. All other provisions are set forth under the authority of the transit system.

VI. Testing for Prohibited Substances

Analytical urine drug testing and breath testing (saliva testing optional for screening) for alcohol may be conducted when circumstances warrant and as required by Federal regulations. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human

Services (DHHS). All testing will be conducted in accordance to the procedures in 49 CFR Part 40, as amended. This will ensure the test results are attributed to the correct employee by following procedures including, picture identification of the employee, the use of the Federal Drug Custody and Control Form with unique specimen identification number completed by a trained collection site person who insures that the Custody and Control Form is completed correctly and signed and certified by the donor, collection of Split Sample specimens that are sealed and initialed by the donor.

Drugs:

An employee may be tested for the following prohibited substances anytime while on duty. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen, called an immunoassay test, will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the metabolites present are above the minimum thresholds established in 49 CFR Part 40, as amended.

In instances where there is a reason to believe an employee is abusing a substance other than the five drugs defined by the 49 CFR part 40, The North Central Regional Transit District reserves the right to request a separate sample and to test for additional drugs under the North Central Regional Transit District's own authority using standard laboratory testing protocols and a non-federal custody and control form The Company also reserves the right to require a fitness-for-duty examination by a licensed physician when an employee's observable behavior and actions are considered to be inconsistent with a safe, drug free workplace.

Alcohol:

Tests confirming alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Test (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 will result in removal from his/her position for eight hours unless a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy.

MRO:

All test results from the laboratory will be reported to a Medical Review Officer (MRO). An MRO is a licensed physician who is certified as an MRO, with detailed knowledge of a substance abuse disorders and drug testing and meets the standards defined in 49 CFR part40. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate alternative medical explanation for a confirmed positive result. The MRO will contact the employee, notify the employee of the positive laboratory result, and provide the employee with an opportunity to explain the confirmed test result. The MRO will subsequently review the employee's medical history/medical records to determine whether there is a legitimate medical explanation for a positive laboratory result. If no legitimate medical explanation is found, the test will be verified positive and reported to the Designated Employer Representative. If a legitimate explanation is found, the MRO will report the test result as negative. The MRO may also cancel results that are troubled according to the protocol set froth in 49CFR part 40. The MRO will also inform the employee whose result is positive from the laboratory of his/her rights to have the split sample analyzed at a second SAMHSA laboratory. See part E - Employee Requested Testing.

All employees / applicants with a dilute negative test result will be required to retest. The second test result will stand as the test of record, and no additional testing will be required unless directed to do so by the MRO. A dilute positive result is treated the same as any other positive drug test result.

Testing Procedures:

A copy of 49CFR part 40 as amended, is available for review for complete and detailed laboratory, collection, MRO, and SAP procedures. An employee who would like to review 49 CFR parts 40 and 655 may request a copy from the Designated Employer Representative (DER).

VII. Testing Events:

A. Pre-Employment / Reclassification Testing

All safety-sensitive applicants shall undergo urine drug testing prior to performing safety sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety sensitive position. Receipt by the North Central Regional Transit District of a negative test result is required prior to performing safety sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. Hiring into a safety-sensitive position will be completed within one (1) month of a successful pre-employment/reclassification test. If the applicant has a positive pre-employment drug test, he/she cannot be hired for a safety sensitive position.

If a current covered employee has not performed a safety sensitive duty for 90 days or longer, and has been removed from the random pool, the employee must submit to a new pre-employment test and receive a negative result before resuming safety-sensitive duties.

An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability, but has a medical evaluation that indicates no chemical evidence of illegal drug use.

All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to their employment or performance of any safety sensitive duties and that they will be subject to drug and alcohol testing throughout the period of their employment and The North Central Regional Transit District will retain on the drug test results of all new hires.

When a covered employee or applicant has previously failed a pre-employment drug test, the employee must present to the employer proof of successfully having completed a referral, evaluation and treatment plan as described in Sec. 655.62

B. Reasonable Suspicion Testing

A reasonable suspicion referral for testing, as specified by Part 655, will be made on the basis of documented objective facts and circumstances which are consistent with the long or short-term effects of substance abuse. Reasonable suspicion testing can be done if the observation is made for suspicion of drug use at anytime the employee is on duty however, alcohol testing must be done during, just preceding, or immediately following the performance of a safety sensitive function

Reasonable suspicion determinations will be made by one (or more) supervisor(s), in function rather than by title, who has been trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse. Criteria for reasonable suspicion testing included specific, contemporaneous, and articulable observations concerning appearance, behavior, speech, or body odors of the covered employee consistent with possible drug or alcohol misuse. Written documentation shall be required for any reasonable suspicion testing. Only trained supervisors who directly observe said reasonably suspicious behavior have justification for requiring reasonable suspicion testing. When a determination has been made for reasonable suspicion testing, the employee will be transported immediately by the supervisor to the collection site. Alcohol tests delayed more than two hours must be accompanied with documentation specifying the reason for such a delay. Attempts to collect an alcohol test must conclude after 8 (eight) hours.

C. Post-Accident Testing

Safety-sensitive employees will be required to undergo urine drug and breath alcohol testing if they are involved in an accident with a public transportation system vehicle (regardless of whether or not the vehicle is in revenue service) that results in a fatality. This includes all safety-sensitive employees that are on-duty in the vehicles and any other whose performance could have contributed to the accident, such as surviving operators, dispatchers, maintenance personnel, or other safety sensitive associated employees. Neither a deceased nor an unconscious employee can be tested. Any post-accident testing is stayed while the employee assists in resolution of the accident or receives medical attention following the accident.

In addition, a post-accident test will be conducted in situations where there isn't a fatality but the following occurs, (a) an individual requires immediate transportation to a medical treatment facility (as a result of collision or non-collision, (b) any time one or more vehicles incurs disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in their usual manner in daylight after simple repairs, or (c) with respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley car, trolley bus or vessel and the vehicle is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by employer using the best information at the time of the decision.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and 32 hours for drug testing. All accidents will have documentation as to whether or not a test was administered and the rationale for such a decision. If there is a delay of greater than 2 (two) hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral, and the employer must still attempt to administer the alcohol test, however, all attempts must cease after eight hours.

Safety-sensitive employees subject to post-accident testing must remain readily available for testing and the employer must know the whereabouts of those employees at all times until post-accident testing has been completed or until the employee has been completely discounted as a contributing factor.

A Safety sensitive employee will not be permitted to return to their safety sensitive duties until the DER has received negative drug and alcohol results from the MRO.

Written rationale and documentation is required when a decision is made not to test an employee in a FTA nonfatal accident. In the rare event that the employee cannot participate in the FTA collection process, following an accident, the employer may accept the results of a test performed by federal, state, or local officials if results are released.

Procedures will be in place to insure testing can be conducted all hours of operation.

Any safety-sensitive employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test. In such cases, the employee will be subject to the consequences of a test refusal.
Post accident testing will be stayed while the employee(s) in question receive medical treatment following the accident.

D. Random Testing

FTA regulations require random testing of drugs and alcohol for all safety-sensitive employees. Random testing serves as a deterrent against employee beginning or continuing drug use or alcohol misuse. All employees in safety-sensitive positions will be subjected to random, unannounced testing. The selection of safety-sensitive employees for random drug and/or alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made and there will be no discretion of the managers as to the selections made. All safety-sensitive employees remain in the selection pool even after being selected for testing thus, employees may be selected more than once a year. The tests are conducted throughout the year in an unpredictable pattern. The random number selection process is conducted in strict confidence to ensure no employee is forewarned and that testing is unannounced. A limited number of individuals will have knowledge of the random selections to insure confidentiality and the integrity of the testing process.

The random testing period begins in January 2008. The random tests will be spread throughout the draw period and all shifts that safety-sensitive duties are performed. Federal Alcohol testing can only be performed just before, during, or just after the performance of a safety-sensitive job function, while drug tests can be conducted at any time during an employee's shift (i.e. beginning, middle, end). Employees are required to proceed immediately to the collection site upon notification of their random selection.

Only US DOT safety-sensitive employees are included in the random pool. In the event the Designated Employer Representative (DER) is selected for random testing, a secondary contact will notify the DER to report to the

collection site for random testing. All safety-sensitive employees shall be notified discreetly to immediately report to the collection site.

The North Central Regional Transit District retains records of the date and time of notification that a safety-sensitive employee has been selected and the results of those tests. All information is confidential.

As a member of the New Mexico Department of Transportation Consortium, T he North Central Regional Transit District shall, during the course of a year, participate in the random testing program to assist in insuring the minimum rate defined by Federal Transit Administration safety-sensitive employees are tested for drugs and a minimum of 10 percent of USDOT safety-sensitive employees are tested for alcohol use. abuse as part of the goal of the Consortium Pool. This reflects the current random rate. The rates are subject to annual revision based on the FT A regulations. The testing rate performed by the Consortium will always meet the minimum rate set by 49CFR part 655.

E. Employee Requested Testing

Any safety-sensitive employee who questions the results of a required drug test may request the MRO to forward the split sample to a different DHHS certified laboratory for analysis. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. Payment for testing of the split specimen is the responsibility of the employee, unless the result of the split sample test invalidates the result of the original test. Testing will not be denied if the employee cannot pay. The North Central Regional Transit District will ensure that the costs for the split specimen are covered in order to complete a timely analysis, however, the North Central Regional Transit District will seek reimbursement for the split analysis from the employee. The final split specimen result goes to the employer.

The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for split sample testing must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. The MRO must direct the laboratory in writing to send the split sample with appropriate copies of the chain of custody form and a copy of the MRO's request for testing to another DHHS certified laboratory. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

VIII. Consequences of a Positive Test Result or a Refusal Test

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, or has refused to submit to a drug or alcohol test (except in the case of and applicant) will be immediately removed from safety sensitive duties and referred to a Substance Abuse Professional (SAP). An SAP shall be either a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, or employee assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will adhere to the procedure and requirements defined in 49CFR part 40.

The North Central Regional Transit District is not responsible for any costs incurred for the SAP's evaluation, assessment or any treatment recommendation.

IX. Voluntary Treatment Requirements (prior to any violation of this policy)

Voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary action. Employees will not be disciplined for requesting treatment, but will be expected to observe job performance standards and work rules as they apply to every employee.

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with The North Central Regional Transit District's requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including termination. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. Employees will be allowed to take accumulated sick leave and vacation leave to participate in the prescribed rehabilitation program

XI. Information Disclosure

The North Central Regional Transit District will strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized by FTA rules to receive such information. All drug and alcohol testing records will be maintained in a secure manner so that disclosure of information to unauthorized persons does not occur. Privacy of each tested employee shall be strictly maintained. Information will only be released in the following circumstances:

1. to a third party only as directed by specific, written instruction of the employee;
2. to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on the behalf of the employee tested;
3. to a subsequent employer upon receipt of a written request from the employee;
4. to the National Transportation Safety Board during an accident investigation;
5. to the DOT or any DOT agency with regulatory authority over the employer or any of its employees, or to a State oversight agency authorized to oversee rail fixed-guideway systems; or
6. to the employee, upon written request.

Employees have the unqualified right to review their drug and alcohol testing records, to have access to information to dispute the results of any testing outcome, to have access to any pertinent records such as equipment calibration records and records of laboratory certifications.

XII. Employee and Supervisor Training

All safety sensitive employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training must also include manifestations and behavioral cues that may indicate prohibited drug use. The training will be in the context of prohibited drug use in the workplace, the FT A regulations, and The North Central Regional Transit District's substance abuse policy. The training shall also include information concerning the effects of alcohol misuse on the individual's health, work, and personal life, and signs and symptoms of an alcohol problem. Printed literature concerning prohibited drug use and the effects of drugs and alcohol as well as a service hotline for employees experiencing problems with prohibited drugs and alcohol will be made readily available to all safety-sensitive employees.

Supervisors will also receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Training shall be given to all supervisors concerning: (a) their role and responsibility of reasonable suspicion determinations, (b) procedures for initiating, sustaining, and documenting the referral of reasonable suspicions, (c) instructions for employee intervention, and (d) procedures for record keeping/documenting a reasonable suspicion event. Supervisors will not perform supervisory duties that require reasonable suspicion determination prior to completing supervisor training. Training for non-safety-sensitive employee on the importance of maintaining a drug-free workplace shall also be provided.

Handouts are available providing information concerning the effects of drug use and alcohol misuse on the individual's health, work, and personal life and the signs and symptoms of alcohol misuse.

XIII. Employee/Employer Communications

The North Central Regional Transit District's Substance Abuse Policy was originally approved and adopted by its Board of Directors on September 14, 2007 and became effective immediately. Anytime this policy is substantively amended or updated due to changes in Federal regulations in the future, the policy will contain the date of adoption of the amended policy by the North Central Regional Transit District's Board of Directors and the date the amended policy, or portion thereof, became effective.

This policy and current and future contracts will be modified to stay within required compliance with FTA regulations.

Copies of this policy will be provided to all safety-sensitive employees. A Confirmation of Receipt shall be signed acknowledging that the employee has received the policy and understands that it is the employee's responsibility to abide by the provisions of the policy. Revisions to this policy shall be made aware of to the employee and shall be acknowledged with an updated Confirmation of Receipt. All new hires shall receive the most current policy.

XIII Proper Application of the Policy

Supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

Attachment A

Systems Contacts

Any questions regarding this policy or any other aspect of The North Central Regional Transit District's drug free and alcohol-free program should contact the following The North Central Regional Transit District's representative:

***Designated Employer Representative/Program Manager*:**

Name: Michelle Jacquez

Title: Operations Analyst

Address: 1122 Industrial Park Road

Espanola, New Mexico 87532

Tele: 505-747-3631

SAMHSA Certified Laboratory

Name: SED Medical Laboratories

Albuquerque, New Mexico

Medical Review Officer

Name: Dr. Paul Teynor /Intermountain MRO

Address: P.O. Box 9800

Salt Lake City, UT 84109

Tele: (801)486-5400

All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, as amended. Provisions set forth in the Drug-Free Workplace Act (49 CFR Part 29) are delineated in italics. All other provisions are set forth under the authority of the transit system.

(System Contacts Continue)

Substance Abuse Professionals

Primary SAP: *Adam Stern*

Agency:

Address: 1104 Calle del Sol NE

Albuquerque, New Mexico 87106

Tele: 505-232-9368

Collection Sites

Name: *Espanola Sports Medicine*

Contact: Holly Olivas

Address: 706 D La Joya Street

Espanola, New Mexico 87532

Tele: 505-753-6550

Name: *Northern NM Job & Drug Screen*

Contact:

Address: 414 Sipapu Street

Taos, New Mexico 87571

Tele: 575-758-8761

Attachment B

Safety-Sensitive Positions at the North Central Regional Transit District

All positions at The North Central Regional Transit District were reviewed for safety sensitive duties, as defined in 49 CFR Part 655, to determine the safety-sensitive positions. Additionally, any new positions created in the future will be reviewed for safety-sensitive duties. The following positions were determined to be safety-sensitive:

- ***Dispatchers***
- ***Drivers***
- ***Operational Regional Transit Manager***
- ***Operation Supervisors***
- ***Fleet Maintenance Manager***
- ***Office Staff (Anyone who answers the telephone to give route information)***

EMPLOYEE RECEIPT of The North Central Regional Transit District's DRUG AND ALCOHOL TESTING POLICY

Return this completed form to your immediate supervisor

Employee Name_____

I have received and will read The North Central Regional Transit District's revised Drug and Alcohol Abuse Testing Policy that was adopted by the NCRTD board on November 4, 2011. I understand that I will be held responsible for the content of the policy and I agree to abide by the drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the NCRTD's DER program administrator.

This policy adheres to the Federal Transit Administration's mandated regulations for drug and alcohol testing.

Employee Signature:_____

Date Signed:----------

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